

SPECIAL MEETING

Monday, June 24, 1946
4:00 P. M.

The Common Council of the City of Indianapolis met in the Council Chambers at the City Hall, Monday, June 24, 1946, at 4:00 P. M., with President Schumacher in the chair, pursuant to the following call:

To the Members of the Common Council,
Indianapolis, Indiana.

Gentlemen:

You are hereby notified that there will be a Special meeting of the Common Council held in the Council Chamber on Monday, June 24, 1946, at 4:00 P. M. the purpose of such Special Meeting being to consider on second and third reading for final passage, General Ordinance No. 65, 1946, (providing for payment of \$100.00 to members of Indianapolis Police Department); introduction of General Ordinance No. 74, 1946, Switch Permit and passage of same under suspension of rules; receive communications from the Mayor and other city officials, receive committee reports, amendments, and for any other matters pertaining thereto.

Respectfully,

JOHN A. SCHUMACHER,
President Common Council

I, Frank J. NOLL, Jr., Clerk of the Common Council of the City of Indianapolis, Indiana, do hereby certify that I have served the above and foregoing notice to each and every member of the Common Council prior to the time of such Special Meeting, pursuant to the rules.

In Witness Whereof, I have hereunto affixed my signature and caused the seal of the City of Indianapolis to be affixed.

FRANK J. NOLL, JR.
City Clerk.

(SEAL)

Which was read.

President Schumacher called the meeting to order.
The City Clerk called the roll.

Present: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Dr. Meriwether, Mr. White, President Schumacher.

Absent: Mr. Manly, Mr. Worley.

Mr. Kealing moved that the reading of the minutes for the previous meeting be dispensed with. The motion was seconded by Mr. Dauss and adopted by the voice vote of the Council.

COMMUNICATIONS FROM CITY OFFICIALS

June 21, 1946.

Honorable President and
Members of the Common Council
of the City of Indianapolis.

Gentlemen:

Attached please find copies of proposed General Ordinance No. 74, 1946, an ordinance approving a certain agreement and permit granting Harry E. Rasmussen and Paul E. Keller the right to lay and maintain a sidetrack or switch from the main freight track of the C. C. C. & St. L. Ry. across the east half of North Lafayette Street between 12th and 13th Street on the property described as beginning at the south property line of 13th Street and running thence south 142.4 feet, according to the blue print attached, in the City of Indianapolis, Indiana.

The Board of Public Works and Sanitation respectfully recommends the passage of this ordinance under suspension of rules.

Respectfully submitted,

BOARD OF PUBLIC WORKS AND SANITATION

By OTTO T. FERGER,
Executive Secretary

COMMITTEE REPORTS

Indianapolis, Ind., June 24, 1946.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Public Safety to whom was referred General Ordinance No. 65, 1946, entitled

AN ORDINANCE providing for the waiver by active members of the Indianapolis Police Department, etc.

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

RAYMOND C. DAUSS, Chairman
EDWARD R. KEALING
HERMAN E. BOWERS
MAX WHITE

ORDINANCES ON SECOND READING

Mr. Dauss called for General Ordinance No. 65, 1946, for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Kealing, General Ordinance No. 65, 1946, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 65, 1946, was read a third time by the Clerk and passed by the following roll call vote:

Ayes 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Dr. Meriwether, Mr. White, President Schumacher.

SPECIAL ORDER OF BUSINESS

INTRODUCTION OF GENERAL ORDINANCES

By the Board of Public Works and Sanitation:

GENERAL ORDINANCE No. 74, 1946 SWITCH PERMIT

General Ordinance No. 74, 1946, An ordinance approving a certain agreement and permit granting Harry E. Rasmussen and Paul H. Keller the right to lay and maintain a sidetrack or switch from the main freight track of the C. C. C. & St. L. Ry. across the east half of North Lafayette Street and into the property now known as Nos. 1225 to 1245 N. Lafayette Street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, towit: on the 29th day of May, 1946, Harry E. Rasmussen and Paul H. Keller filed his petition before the Board of Public Works and Sanitation of the City of Indianapolis, as follows:

PETITION

To Board of Public Works and Sanitation,
City of Indianapolis

Gentlemen:

Application is made for a permit to construct a side track or switch from the main freight track of the C. C. C. & St. L. Ry.

crossing the east half of North Lafayette Street between 12th and 13th Streets in the property described as beginning at the south property line of 13th Street and running thence south 142.4 feet.

The Slum properties now on said ground are to be torn down as soon as practicable and a modern wholesale warehouse is to be built thereon.

NOW, THEREFORE, This agreement made and entered into this ----

day of ----- 194--, by and between Harry E. Rasmussen and Paul H. Keller of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its board of Public Works and Sanitation, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a permit for a right of way for a sidetrack or switch from the main track of the C. C. C. & St. L. Ry. across the east half of North Lafayette Street between 12th and 13th Streets in the City of Indianapolis, which is more specifically described as follows:

Said sidetrack or switch is to be constructed across the east half of North Lafayette St. and run north on the west side of the property described as follows: Lots 1 and 2 and 20.4 feet off the north side of lot 3 in Block in Drake's Addition to the city of Indianapolis.

hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the great of the privileges and authority herein given, he will lay, construct, maintain and pay all costs and expenses either now or hereafter connected with said track upon the terms and conditions hereinafter set forth, to-wit:

- (1) They shall be so laid, maintained, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works and Sanitation of the City of Indianapolis, and to all laws and ordinances, adopted and enacted pursuant to the police powers of said city.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council, or with any resolution or resolutions made by said party of the first part, who hereby waives any division of such costs as now or hereafter provided by any statute, or otherwise.

(3) The crossing where said track intersects, ----- shall, at all times, kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser. Said notice shall fix a day for hearing before said Board where objections to such removal may be heard; but the decision of said Board shall be final and conclusive on the party of the first part who hereby expressly waives any right to have such exercise of discretion reviewed by any court.

(5) The party of the first part agrees to pave between the rails of said track and for eighteen inches on both side thereof shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judges), it shall be the duty of the said party of the first part to promptly repair, reconstruct, or remove same, failing in which, after notification in writing of ten (10) days, said Board may do or cause the same to be done at the expense of the said party

of the first part and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims or damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violation of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this permit, provided, however, that the same may be terminated by said Board as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and of all acts amendatory thereof or supplemental thereto, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby grants and duly permits said party of the first part to exercise the right, privilege and authority to lay and maintain an additional sidetrack or switch across the east half of North Lafayette Street between 12th and 13th Streets, in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

In Witness Whereof, We have hereunto set our hands this 18th day of June, 1946.

H. E. RASMUSSEN

PAUL H. KELLER

Party of the First Part

Witness: Mae McKinney

CITY OF INDIANAPOLIS

June 19, 1946.

JAMES S. WATSON, President
SHERLIN T. DEMING
GIDEAN W. BLAIN
JOSEPH B. WADE

As BOARD OF PUBLIC WORKS AND SANITATION,

Party of the Second Part

Approved by me

as Mayor.

And, Whereas, Said agreement and permit has been submitted by the Board of Public Works and Sanitation to the Common Council of the City of Indianapolis, for its consideration and action, now, therefore,

Be it ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That such agreement and permit above set forth be, and the same is hereby in all things confirmed and approved.

Section 2. This ordinance shall be in full force and effect from and after its passage.

Attest:

Clerk of the Common Council

President of the Common Council

Approved by me, this ----- day of -----, 19--
Mayor

Which was read for the first time and referred to the Committee on Finance.

At this time Mr. Bowers moved that the rules be suspended for further consideration and passage of General Ordinance No. 74, 1946.

Which motion was seconded by Mr. White and adopted by the following roll call vote:

Ayes 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Dr. Meriwether, Mr. White, President Schumacher.

COMMITTEE REPORTS

Indianapolis, Ind., June 24, 1946.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Finance to whom was referred General Ordinance No. 74, 1946, entitled

AN ORDINANCE providing for a switch permit, leg leave to report that we have had said ordinance under consideration, and recommend that the same be passed under suspension of rules.

HERMAN E. BOWERS, Chairman
EDWARD R. KEALING
LUCIAN B. MERIWETHER
R. C. DAUSS

ORDINANCE ON SECOND READING

Mr. Bowers called for General Ordinance No. 74, 1946, for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Dauss, General Ordinance No. 74, 1946, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 74, 1946, was read a third time by the Clerk and passed by the following roll call vote:

Ayes 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Dr. Meriwether, Mr. White, President Schumacher.

On motion of Mr. Dauss, seconded by Mr. Kealing, the Common Council adjourned at 4:30 P. M.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 24th day of June, 1946, at 4:00 P. M.

In Witness Whereof, we have hereunto subscribed our signature and caused the seal of the City of Indianapolis to be affixed.

June 24, 1946]

City of Indianapolis, Ind.

437

John A. Schumaker

President

Frank J. Nally

City Clerk

(SEAL)

INDIANAPOLIS PUBLIC LIBRARY

